
***State of Michigan
In the Supreme Court***

APPEAL FROM THE MICHIGAN COURT OF APPEALS
Saad, P.J., Sawyer and Jansen, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

**Supreme Court
Docket No. 148444**

RICHARD LEE HARTWICK,

Defendant-Appellant.

Court of Appeals No. 312308
Oakland Circuit Court No. 2012-240981-FH

APPELLEE'S APPENDIX

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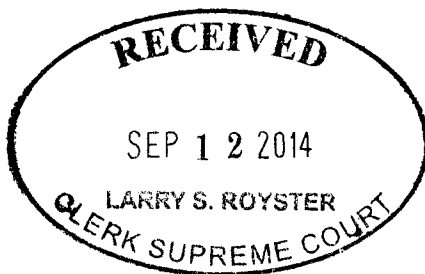


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STATE OF MICHIGAN

50TH JUDICIAL DISTRICT COURT, OAKLAND COUNTY

THE PEOPLE OF THE STATE OF MICHIGAN,

v

Case No. 1161091FY

CR No. 2012-240981-FH

RICHARD LEE HARTWICK,

Defendant.

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE CYNTHIA THOMAS WALKER, DISTRICT JUDGE

Pontiac, Michigan - Tuesday, April 10, 2012

APPEARANCES:

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<u>WITNESSES: DEFENDANT</u>	
None	
<u>EXHIBITS:</u>	
None	

1 Pontiac, Michigan

2 Tuesday, April 10, 2012 - 2:28 p.m.

3 MS. O'BRIEN: Calling the matter of People
4 versus Richard Hartwick; 1161091FY; Shannon O'Brien for
5 the People.

6 MR. MILLER: Frederick Miller on behalf of
7 Defendant, your Honor.

8 THE COURT: All right.

9 MS. O'BRIEN: Judge, today is the date and time
10 set for preliminary exam. I talked to Mr. Miller. It's
11 Mr. Hartwick's wish to exercise his right to have that
12 exam conducted. People will call witness and we're ready
13 to proceed.

14 THE COURT: All right; Mr. Miller?

15 MR. MILLER: Defense is ready.

16 THE COURT: Very good; you can proceed.

17 MS. O'BRIEN: Judge, the People call Detective
18 Ferguson.

19 THE COURT: Do you solemnly swear or affirm that
20 the testimony you're about to give will be the truth, the
21 whole truth, and nothing but the truth?

22 DETECTIVE FERGUSON: I do, your Honor.

23 THE COURT: Thank you; please be seated.

24 DETECTIVE MARK FERGUSON

25 (At 2:29 p.m., sworn as a witness, testified

1 as follows)

2 MS. O'BRIEN: Judge, before we begin with
3 Detective Ferguson, may Counsel and I approach?

4 THE COURT: You may.

5 (At 2:29 p.m., bench conference - off record)

6 (At 2:30 p.m., bench conference concluded)

7 THE COURT: And just to clarify for the record;
8 the case is involving two separate counts.

9 MS. O'BRIEN: That's right. Thank you, Judge.

10 THE COURT: All right.

11 MS. O'BRIEN: May I proceed?

12 THE COURT: You may.

13 DIRECT EXAMINATION

14 BY MS. O'BRIEN:

15 Q Sir, would you state your full name --

16 THE COURT: Just one moment?

17 MS. O'BRIEN: Sure will.

18 MR. STEVENSON: Judge, may we approach for one
19 second?

20 THE COURT: You may.

21 (At 2:30 p.m., pass on case)

22 (At 2:31 p.m., case recalled)

23 THE COURT: You can proceed, Ms. O'Brien; thank
24 you.

25 MS. O'BRIEN: Thank you, Judge.

1 DIRECT EXAMINATION CONTINUING:

2 BY MS. O'BRIEN:

3 Q Sir, would you state your full name; spell your first and
4 last name for the record, please?

5 A Mark Ferguson; F-e-r-g-u-s-o-n.

6 Q Where do you work?

7 A I'm employed with the Oakland County Sheriff's
8 Department.

9 Q In what capacity?

10 A I'm a Detective in the Narcotics Enforcement Team.

11 Q How long have you served in law enforcement, Detective
12 Ferguson?

13 A 25 and-a-half years.

14 Q You said Narcotics Enforcement Division. Is that of the
15 Sheriff's Department?

16 A Yes.

17 Q How long have you been assigned to Narcotics Enforcement;
18 that division?

19 A Probably three years now; prior to that, I was with the
20 Pontiac Police Department Vice Unit.

21 Q As the results of those two assignments, do you have
22 particular training and experience in the area of
23 investigating controlled substance offenses?

24 A Yes.

25 Q Just as a ballpark, can you estimate for the Court the

1 number of drug crimes you've investigated during your law
2 enforcement career?

3 A Over 10,000.

4 Q Some percentages of those involve the controlled
5 substance marijuana?

6 A Yes.

7 Q Can you approximate what that is?

8 A Probably 20 percent of those.

9 Q Detective Ferguson, can I direct your attention to the
10 date of September 22, 2011; would you have been working
11 that day?

12 A Yes.

13 Q And had you received a tip regarding marijuana
14 distribution that was alleged to have been taking place
15 in an address of 240 West Yale?

16 A Yes; in the city of Pontiac.

17 Q What's at that address? Is it a commercial building;
18 apartment; something different?

19 A It's a single family home; residence.

20 Q Did you respond to that address as a result of the
21 information you had?

22 A Yes.

23 Q Same day or a different day?

24 A I received a complaint on the 22nd; I was there on the
25 27th.

- 1 Q On the 27th?
- 2 A Yes.
- 3 Q Did you go alone or with another officer?
- 4 A Detective Dody went with me.
- 5 Q Did you make any contact with any people or person at the
- 6 home?
- 7 A Yes; there was a gentleman standing out in the driveway
- 8 along with a female. I contacted that gentleman.
- 9 Q The information that you had before going there, was that
- 10 about a male suspect or a female suspect?
- 11 A Male suspect.
- 12 Q The person that you saw outside the home, do you see that
- 13 person in the courtroom today?
- 14 A Yes.
- 15 Q Could you point to him and indicate an article of
- 16 clothing he's wearing?
- 17 A The gentleman to the right of Mr. Miller; a White male
- 18 with a blue striped shirt.
- 19 MS. O'BRIEN: Judge, may the record reflect the
- 20 identification of the Defendant?
- 21 THE COURT: So noted.
- 22 (At 2:34 p.m., witness identified Defendant)
- 23 DIRECT EXAMINATION CONTINUING:
- 24 BY MS. O'BRIEN:
- 25 Q Did you speak to the Defendant?

- 1 A Yes.
- 2 Q Did you ask him who was the owner at 240 Yale?
- 3 A Yes.
- 4 Q What was his answer?
- 5 A He said he was.
- 6 Q Did you ask him about the information you had about
- 7 growing marijuana in the house?
- 8 A I told him about the complaint I had. He was very
- 9 cooperative. I asked him if --
- 10 Q Did -- I'm sorry.
- 11 A -- he had marijuana in the house. He said yes, he did.
- 12 Q Did he say who was growing marijuana in the house?
- 13 A He was.
- 14 Q Did you have a conversation with him about the Michigan
- 15 Marijuana Act?
- 16 A Yes.
- 17 Q And did he claim that he was growing marijuana within the
- 18 parameters of that act or no?
- 19 A I asked him if he was in compliance. He stated that he
- 20 was. I asked him if I could go inside his home and view
- 21 it. He complied and escorted me inside the home.
- 22 Q At the time you asked him if you could go in and view the
- 23 marijuana plants, was the Defendant restrained in any
- 24 way?
- 25 A No.

1 Q Where was he?
2 A He was in the driveway.
3 Q Not handcuffed?
4 A No.
5 Q Not in custody?
6 A He was not in custody.
7 Q About how long did you talk to him when you were standing
8 in the driveway?
9 A Probably no more than 10 minutes.
10 Q You did enter the house?
11 A Yes.
12 Q Were you alone or with somebody else?
13 A Detective Dody.
14 Q Did the Defendant enter with you or did he stay outside?
15 A No; he went with us. He was in front of me. We walked
16 behind him. He had escorted us through the living room to
17 a back -- I guess it's a -- it was a bedroom converted
18 into a Grow Room.
19 Q Did you look inside that room?
20 A Yes.
21 Q Was there a door on the room?
22 A There was; it was open. It was not locked.
23 Q What did you observe inside the room?
24 A Several plants growing; different sizes; maybe a foot to
25 3 feet; grow lights.

- 1 Q Do you -- do you have experience and training with regard
2 to the appearance of marijuana plants?
- 3 A Yes.
- 4 Q The plants that you saw in this room, were they
5 consistent or inconsistent with what you understood to be
6 a marijuana plant?
- 7 A Consistent.
- 8 Q Can you approximate the size of the plants?
- 9 A I think I said 1 to 3 feet; 1 to 3 feet.
- 10 Q As a result of your training and experience, have you
11 become familiar with paraphernalia that's utilized to
12 grow marijuana?
- 13 A Yes.
- 14 Q What observations did you make in that room that is
15 consistent or inconsistent with that experience and
16 training?
- 17 A There was grow lights; I think there was a board on the
18 wall, like a growing board; shows the stages of when they
19 should be fertilized; watered.
- 20 Q Was that on the marijuana that was found in the house?
- 21 A No.
- 22 Q Did you ask the Defendant was there other marijuana in
23 the house?
- 24 A Yes.
- 25 Q And what was -- what did he say?

1 A I believe he stated no.

2 Q Were you able to determine if there was additional
3 marijuana in the house?

4 A Yes.

5 Q How did you do that?

6 A We -- again, we searched the rest of the house; gave us
7 consent to search the house.

8 COURT RECORDER: One moment, please.

9 (At 2:37 p.m., tape switch)

10 (Brief Pause)

11 MS. O'BRIEN: May I?

12 THE COURT: Yes.

13 DIRECT EXAMINATION CONTINUING:

14 BY MS. O'BRIEN:

15 Q Detective Ferguson, you stated you asked for consent to
16 search the rest of the house?

17 A Yes.

18 Q And what did he say?

19 A He said we could.

20 Q Where did you look?

21 A Outside the -- the bedroom that -- I guess the Grow Room,
22 there was a closet in a second room that was connected, I
23 guess it could be another bedroom; inside the closet were
24 several plants -- dry plants hanging. I think there was
25 like, 53 grams in there.

1 And then I went to Mr. Hartwick's bedroom; I
2 found I think six Mason Jars full of marijuana. That
3 totaled up to 118 grams of marijuana.

4 Q Was that a net or a gross weight?

5 A A gross weight.

6 Q Anything else?

7 A Inside the freezer was a shoebox full of dried marijuana.
8 And I think in the -- maybe in the living room, there was
9 (sic) small amounts on the entertainment stand.

10 Q Detective Ferguson, do you recall whether there's any
11 other marijuana or is that all the marijuana that was
12 found in the house?

13 A I believe that's it. I'm not positive about it.

14 Q Are you familiar with paraphernalia that associated with
15 distribution of marijuana?

16 A Yes.

17 Q Did you find any such paraphernalia within the house?

18 A Yes; a triple beam scale in the back room where the
19 marijuana was hanging, a digital scale in the living room
20 on the entertainment center.

21 Q Detective Ferguson, when you looked about the house, did
22 it appear that it was occupied by anybody other than the
23 Defendant?

24 A Defendant's father was there. He was sitting in the
25 living room. I believe he stated that he lived there. To

1 the best of my recollection, I think he -- he slept in
2 the room; a pretty older gentleman.

3 Q Did you have a chance to talk to the Defendant in some
4 detail about the marijuana that was in the house?

5 A Yes.

6 Q Did you ask the Defendant about distribution of that
7 marijuana versus use for his personal use?

8 A Yes.

9 Q What did he say?

10 A I asked him if he sold it; he said no. I asked him how
11 many plants did he have inside the home. He said 77.

12 Q That number; was that consistent or inconsistent with the
13 number that was turned over to the Crime Lab for testing?

14 A We recovered 78 in the back room, so it was pretty close.

15 Q Did he claim to provide marijuana to other people within
16 the course of his claim to medical marijuana status?

17 A Yes.

18 Q Did he provide you or did you recover any documentation
19 from the scene consistent with that claim?

20 A Yes; I recovered three patient packets of marijuana.

21 Q When you say "patient packets", do you recall whether
22 they identified the Defendant or other persons as
23 patients?

24 A Other persons as patients.

25 Q And do you recall whether that identified the Defendant

1 as a patient himself or as a caregiver for those people?

2 A Caregiver.

3 Q Detective Ferguson, the documentation you're referring
4 to; is that the documentation you gave me a copy of
5 today?

6 A That is correct.

7 Q And the same documentation you made a copy of for Defense
8 Counsel?

9 A Yes.

10 Q Is that all the documentation related to that issue that
11 was seized from the house?

12 A That's all I had; yes.

13 Q Since the time of -- these charges were issued, have you
14 been presented with any additional documentation with
15 regard to that issue?

16 A No.

17 Q Was there any testing done on the marijuana that was
18 seized from the house? Let's start with the plants to
19 confirm whether or not it was marijuana.

20 A All the marijuana in the home was field tested by myself
21 positive.

22 MR. MILLER: And I'll stipulate to the report.

23 THE COURT: Thank you.

24 (At 2:42 p.m., Defense Counsel stipulates to
25 report)

1 MS. O'BRIEN: Thank you. Judge, I have nothing
2 further for Detective Ferguson.

3 THE COURT: Okay; thank you. Mr. Miller.

4 CROSS-EXAMINATION

5 BY MR. MILLER:

6 Q Officer (sic) was there anyone else at the home besides
7 the father and Mr. -- Defendant?

8 A There was a female in the front yard.

9 Q Okay. Did she go in the house with you? Do you remember?

10 A I don't -- I don't believe she did. I don't recall, but I
11 don't believe she did. I know the Defendant-- Mr.

12 Hartwick's ex-wife may have showed up later at the home.

13 Q So it was you and there was another officer; correct?

14 A Yes.

15 Q Was there any other officers that showed up?

16 A Yes.

17 Q When did they show up?

18 A Probably maybe a half an hour later; Sergeant Miles.

19 Q How long were you at this home?

20 A Total?

21 Q Yes.

22 A A good hour at least.

23 Q When you received a tip back on the 22nd, did you do any
24 follow up with regard to that?

25 A As far as the tip?

1 Q Yes.

2 A I did on the 27th.

3 Q Okay.

4 A That was my follow up.

5 Q All right. Did you talk to the individual who gave you
6 the tip; Mrs. Kling -- whatever her name was, did you
7 talk to her at all?

8 A I talked to her on the phone when she called me on the
9 22nd.

10 Q Did she advise you she had never been in the house
11 before?

12 MS. O'BRIEN: Objection; hearsay.

13 THE COURT: Sustained.

14 CROSS-EXAMINATION CONTINUING:

15 BY MR. MILLER:

16 Q Did she advise you of how she -- she had knowledge of
17 this incident?

18 MS. O'BRIEN: Objection; hearsay.

19 MR. MILLER: That's a yes or no question.

20 THE COURT: Actually, he can answer that as to
21 whether she advised him.

22 CROSS-EXAMINATION CONTINUING:

23 BY THE WITNESS:

24 A She did.

25 Q Okay. Did she advise you of the house at all?

1 A As far as?

2 Q Did she tell you anything about the house?

3 A Yes.

4 Q Did she indicate to you if she had ever been to the
5 house?

6 A I don't recall if she did or not. She told me that there
7 was (sic) in excess of 150 plants inside the home.

8 Q Did you check into how she knew that?

9 A No.

10 Q Did you ask any questions of how she obtained this
11 knowledge?

12 A Yes.

13 Q Did she indicate to you she had personal knowledge?

14 A Yes.

15 Q Did you attempt to verify that through any other means?

16 A That she knew about it?

17 Q Yeah.

18 A I don't think there's really any way to verify that.

19 MS. O'BRIEN: Judge, I guess at this point, I'm
20 going to object to the relevance of this. He went there
21 on the 27th and did that verification. This isn't a search
22 warrant issue. The person is named.

23 THE COURT: Okay; how would that be relevant,
24 Mr. Miller?

25 MR. MILLER: I'm trying to find out what

1 foundation he had to go there and that's all. I mean --
2 at this point, he's got a tip; he shows up five days
3 later and doesn't appear to have checked it out any other
4 way.

5 CROSS-EXAMINATION CONTINUING:

6 BY MR. MILLER:

7 Q Correct? Just based upon what you heard from her, you
8 went and checked the house; right?

9 MS. O'BRIEN: Judge, same objection. He
10 determines what his resources are; how he conducts his
11 investigations.

12 THE COURT: I'm going to sustain it. I think
13 he's answered the question --

14 MR. MILLER: Okay.

15 THE COURT: -- and the point has been made.

16 MR. MILLER: That's fine.

17 CROSS-EXAMINATION CONTINUING:

18 BY MR. MILLER:

19 Q You went to the home; you talked to the individual. Did
20 you advise him at all you had a search warrant?

21 A I don't believe I did; no.

22 Q Okay. You don't remember if you did or --

23 A If I had a search warrant or --

24 Q Yeah.

25 A -- I told him I had a search warrant?

1 Q If you told him you had a search warrant.

2 A No.

3 Q You -- and he cooperated with you; correct?

4 A Yes.

5 Q He advised you that he was in compliance?

6 A Yes.

7 Q He showed you -- you say just three cards?

8 A He gave me three packets; yes.

9 Q All right. Did he advise you he had more?

10 A I think he said he might have had one more, but he didn't

11 have the paperwork in his possession.

12 Q Okay. Did you make copies or did you just take them?

13 A I took 'em (sic).

14 Q Did you have a camera with you at the time?

15 A Yes.

16 Q Did you take photos?

17 A Yes.

18 Q Where are those photos at today?

19 A I'm not sure if we have 'em (sic) or not.

20 Q You took photos of the entire house, I assume; anywhere

21 you found a marijuana plant?

22 A Yes.

23 Q And you don't have any knowledge as to where those photos

24 are right now?

25 A I do not.

1 Q Were you working as a Pontiac Police Officer at the time
2 or were you an Oakland County Sheriff's Deputy at the
3 time? I know there's a time when it changed and I'm
4 asking you --

5 A I think it was the Sheriff's at the time. It was right
6 after.

7 Q I wasn't sure, and I'm just --

8 A I think it was maybe within 20 days. It was -- it was
9 close.

10 Q Some time; I know it was around there some time. I was
11 just curious.

12 A Yes, sir.

13 Q Okay. So what you would have used would have been Oakland
14 County Sheriff's Department Property to do this; to take
15 the pictures, correct?

16 A Irregardless, I would have used their property either
17 way.

18 Q Have you looked for those photos?

19 A I have not.

20 Q So they could be there; you're just trying to find it?

21 A They could be there; yes.

22 Q All right. When you went in the home, I mean clearly this
23 was about six months ago at least by now --

24 A Yes.

25 Q -- do you remember if the door was open or did he unlock

1 the door? Did Mr. Hartwick unlock the door? Do you
2 remember?

3 A The front door to get in?

4 Q No; the room with regard to where the marijuana plants
5 were?

6 A No; it was open.

7 Q Okay. And were there any other marijuana plants outside
8 of that room?

9 A There was the ones hanging dried. I guess you're asking
10 if any fresh being grown?

11 Q Any within pots outside of that room?

12 A No.

13 Q Okay.

14 A No.

15 Q Okay. When you weighed the material, I guess well, you
16 didn't weigh the plants; did you?

17 A No, we don't weigh the plants.

18 Q The stuff that was weighed was the dried stuff?

19 A Yes.

20 Q Was that everything together; stems; everything?

21 A Yes.

22 Q And you turned that all over to the -- as Evidence to be
23 weighed and tested; correct?

24 A That is correct.

25 MR. MILLER: Okay; just a moment.

1 (Brief Pause)

2 CROSS-EXAMINATION CONTINUING:

3 BY MR. MILLER:

4 Q You took his phone too; correct?

5 A I believe so; yes.

6 Q And that's still in the evidence at Oakland County?

7 A Yes.

8 MR. MILLER: All right, thank you; nothing
9 further.

10 THE COURT: All right; thank you, Mr. Miller.
11 Ms. O'Brien, anything else?

12 MS. O'BRIEN: Thank you, Judge.

13 REDIRECT EXAMINATION

14 BY MS. O'BRIEN:

15 Q Detective Ferguson, just so the record's clear that
16 sometimes the documentation gets inadvertently referred
17 to as a "card". Were there any actual Medical Marijuana
18 Cards seized from that Yale residence?

19 A No, I didn't get any cards. I just got paperwork.

20 Q Okay; and then the paperwork --

21 A Copies -- and I think there were copies.

22 Q The paperwork that you seized; do you recall whether it
23 was bore any sort of certifying mark from the State of
24 Michigan?

25 A Yes.

1 Q Do you recall whether it did? If you look, would it
2 refresh your recollection?

3 A Yeah.

4 MS. O'BRIEN: Judge, may I approach the witness?

5 THE COURT: You may.

6 (At 2:50 p.m., witness reviewing report)

7 (Brief Pause)

8 CROSS-EXAMINATION CONTINUING:

9 BY THE WITNESS:

10 A No, it did not.

11 Q Were there any other indication to you at the scene that
12 any of the paperwork that you seized had actually ever
13 been sent to the State or approved?

14 A I had no cancelled checks; I had no money orders, so I
15 have no idea.

16 MS. O'BRIEN: Judge, nothing further for
17 Detective Ferguson.

18 THE COURT: Mr. Miller; anything else?

19 MR. MILLER: Nothing further today, your Honor.

20 THE COURT: All right; thank you, Detective; you
21 can step down.

22 DETECTIVE FERGUSON: Thank you, your Honor.

23 (At 2:51 p.m., witness steps down)

24 MS. O'BRIEN: Judge, the People have no
25 additional witnesses.

1 THE COURT: Does Defense have any witnesses for
2 purposes of the preliminary examination?

3 MR. MILLER: For purposes of preliminary exam,
4 no. I do believe it is a question of fact, your Honor.

5 THE COURT: All right.

6 MR. MILLER: I'll cut off Ms. O'Brien before she
7 makes her motion.

8 MS. O'BRIEN: I appreciate that.

9 THE COURT: Thank you, Mr. Miller; I would
10 agree. This is not a trial; it's a probable cause hearing
11 and all the People would have to prove is probable cause
12 that the offense occurred and probable cause that the
13 Defendant committed it. It is a question of fact for the
14 trier of fact, so I'm going to bind it over to circuit
15 court as charged.

16 MS. O'BRIEN: Thank you, Judge, and just for the
17 record, Detective Ferguson and I will communicate about
18 looking for any photos or if there are some around, we'll
19 get a copy of them to Mr. Miller.

20 THE COURT: All right. And I will simply note
21 for the record; one of the conditions of the bond in this
22 case was Pre-Trial Services supervision; no drugs or
23 alcohol; random testing. Mr. Hartwick was -- I believe
24 that Community Corrections terminated him from the
25 testing program.

1 MR. MILLER: Your Honor, I talked to him about
2 that outside. He -- the first paperwork he ever got that
3 he said he read was yesterday.

4 THE COURT: Okay.

5 MR. MILLER: He said I haven't been testing. I
6 didn't know I was supposed to and he wasn't clear.

7 THE COURT: At the time of the arraignment, were
8 you in custody? Was he in custody or not in custody?

9 MS. O'BRIEN: He was in custody.

10 THE COURT: Okay; Pre-Trial Services supervision
11 was one of the conditions and I don't know if he has ever
12 called in to Pre-Trial Services.

13 MR. MILLER: I don't --

14 THE COURT: No?

15 MR. MILLER: Did you ever call into Pre-Trial
16 Services?

17 THE DEFENDANT: No; I didn't call. I didn't know
18 nothing (sic) about it.

19 MR. MILLER: So we need to get that set up
20 immediately, your Honor.

21 THE COURT: Correct; we can give you the number
22 for Pre-Trial Services. We'll give you the phone number
23 and I'll make a note in the file that I have discussed
24 it, but the bond will be continued.

25 MS. O'BRIEN: And Judge, can I ask just for the

1 record?

2 THE COURT: Yes.

3 MS. O'BRIEN: Since Mr. Hartwick didn't know
4 about it, would the Court just state for the record what
5 specific conditions of bond are --

6 THE COURT: Correct.

7 MS. O'BRIEN: -- just so I know?

8 THE COURT: The specific conditions would be
9 supervision by Pre-Trial Services, which just means you
10 call into Pre-Trial Services; no illegal drugs or alcohol
11 and you would be subject to random screens for both
12 alcohol and drugs, so no illegal drug use; whatever
13 illegal drug use may be.

14 MR. MILLER: Now I guess that's gonna (sic) be a
15 question because he does have a Medical Marijuana Card.

16 THE COURT: Which is why I said "no illegal drug
17 use".

18 MR. MILLER: So he is able to smoke marijuana if
19 he has a prescription?

20 THE COURT: No illegal drug use. I will not be
21 baited into that whole issue.

22 MS. O'BRIEN: Just for the record, Judge;
23 there's no such thing as a prescription for marijuana, we
24 will have to see -- you know --

25 THE COURT: He is obligated to comply --

1 MS. O'BRIEN: -- if there is positive testing,
2 we'll look at it.

3 THE COURT: He is obligated to comply with the
4 laws of the State of Michigan --

5 MR. MILLER: Very well, your Honor.

6 THE COURT: -- in the state of the flux that
7 they are.

8 MR. MILLER: Okay; very well.

9 THE COURT: No illegal drug use.

10 MR. MILLER: Can I get a transcript of that next
11 week so I don't have an issue.

12 MS. O'BRIEN: You've got a Federal Law problem
13 there, buddy.

14 THE COURT: All right; thank you.

15 (At 2:54 p.m., proceedings concluded)
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PRELIMINARY EXAMINATION

1 STATE OF MICHIGAN }

2 COUNTY OF OAKLAND }

3 I certify that this transcript, consisting of 28 pages,
4 is a complete, true and correct transcript of the preliminary
5 examination and testimony taken in this case on Tuesday,
6 April 10, 2012.

7 5-2-12



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